

## PUBLIC HEALTH DEPARTMENT[641]

### Notice of Intended Action

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code section 135.11(26), the Department of Public Health hereby gives Notice of Intended Action to amend Chapter 24, “Private Well Testing, Reconstruction, and Plugging—Grants to Counties,” Iowa Administrative Code.

The following paragraphs summarize the proposed amendments:

Item 1 adds language for the Department to be able to reallocate funds that are not being spent. This change was made due to a request from the Legislature in 2015 to better utilize these funds. All counties participating in the grant program will receive an original appropriation, and only those counties that demonstrate an underutilization of funding (based on current and historical practices) will receive a midcontract reduction in funding. Midyear reallocations will allow for a more effective and complete use of funding for private well services while at the same time direct funding to areas of Iowa that have demonstrated a need for additional funding.

Items 2 clarifies training, training reimbursement, and the costs that will be reimbursed to the well owner, cistern owner and the county.

Item 3 allows the Department to receive the 28E agreements between counties that have multicounty applications.

Item 4 rescinds the rule pertaining to record-keeping and retention requirements because these requirements are outlined in the general conditions of the contract.

Any interested person may make written suggestions or comments on these proposed amendments on or before April 5, 2016. Such written materials should be directed to Carmily Stone, Chief of Bureau of Environmental Health Services, Iowa Department of Public Health, Lucas State Office Building, Fifth Floor, 321 East 12th Street, Des Moines, Iowa 50319; fax (515)281-4529; or e-mail [carmily.stone@idph.iowa.gov](mailto:carmily.stone@idph.iowa.gov).

A public hearing will be held on April 5, 2016, from 11 a.m. to 12 noon in Room 142 of the Lucas State Office Building, 321 East 12th Street, Des Moines, Iowa. Interested persons may join the meeting by telephone in the United States and Canada, toll-free, by dialing 1-866-685-1580 and entering access code 0009991863 when prompted. During the hearing, persons may present their views either orally or in writing and will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments. All interested persons may participate in this proceeding. Persons with disabilities requiring assistive services or devices to observe or participate should contact the Bureau of Environmental Health Services at (515)281-3548 in advance of the scheduled date to request that appropriate arrangements be made.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code sections 455E.11 and 135.11(26).

The following amendments are proposed.

ITEM 1. Amend subrule 24.4(2) as follows:

**24.4(2) Allocation of funds.**

a. During each fiscal year, the amount granted each eligible applicant shall be the total funds available as defined in Iowa Code section 455E.11 divided by the number of eligible counties applying.

b. The department will annually determine the potential for unused funds from contracts. If funds are available, reallocation of the funds to eligible counties for grant purposes shall be at the discretion of the department.

ITEM 2. Amend rule 641—24.5(135) as follows:

**641—24.5(135) Eligible grant costs.** The following are annual eligible costs for which the department will reimburse participating counties:

**24.5(1)** ~~Up~~ Actual costs up to \$1,000 will be paid to the participating county for private water well-related training expenses, including registration, mileage, and per diem lodging, and meals for employees attending department-approved trainings. ~~Training approval is granted to water well-related training sponsored by the department, the Iowa Environmental Health Association, the Iowa Public Health Association, the Iowa Water Well Association, the Iowa department of natural resources, or the Iowa Ground Water Association. The annual conference sponsored by the Iowa Onsite Waste Water Association is also approved. Other trainings must receive approval of the department before a voucher for expenses is submitted.~~

**24.5(2)** ~~Up~~ Actual costs up to \$500 will be paid to the participating county for supplies related to the grants to counties program. Eligible supplies include, but are not limited to, Global Positioning System (GPS) units, private water well data software, inspection supplies, cameras, and sampling equipment.

**24.5(3)** ~~Up~~ Actual costs up to \$1,000 will be paid to the participating county for advertising and promotional expenses to educate county residents about the availability of funds for private water well testing, abandoned well plugging, and private water well reconstruction.

**24.5(4)** Actual costs will be paid to the participating county for each private water well test conducted under the program, including \$60 for administrative expenses. At a minimum, well sampling shall include analyses for total nitrate (including nitrite) and total coliform bacteria. Optional analyses may also include arsenic.

**24.5(5)** ~~Up~~ The total maximum reimbursement to the county for a well plugging is \$575. Actual costs up to ~~\$575~~ \$500 will be paid for each abandoned private water well plugging conducted in accordance with 567—Chapter 39, ~~including \$75 for administrative expenses. The county shall directly reimburse these costs to the well owner. An administrative expense of \$75 shall be retained by the participating county.~~ Private water well plugging must be conducted by a certified individual as defined in 567—Chapter 82 or by the well owner under direct supervision by the county.

**24.5(6)** ~~Up~~ The total maximum reimbursement to the county for a cistern plugging is \$375. Actual costs up to ~~\$375~~ \$300 will be paid for each cistern plugging ~~but only for those cisterns deemed by the administrative authority to impact groundwater, including \$75 for administrative expenses. The county shall directly reimburse these costs to the cistern owner. An administrative expense of \$75 shall be retained by the participating county.~~ Cistern plugging must be conducted by a certified individual as defined in 567—Chapter 82 or by the well owner under direct supervision by the county.

**24.5(7)** ~~Up~~ The total maximum reimbursement to the county for a well reconstruction is \$1,330. Actual costs up to \$1,000 in reconstruction costs ~~plus~~ will be paid for each reconstruction. The county shall directly reimburse these costs to the well owner. ~~An administrative expense of 33 percent of the actual reconstruction costs for administrative purposes will be paid for each private water well reconstruction will be retained by the participating county. Grant funds may be used to conduct reconstruction intended to preclude contamination due to surface water intrusion by coliform or other infectious bacteria. Examples include repairs of casing, well caps, or pitless adapters and elimination of well pits.~~

ITEM 3. Amend subrule 24.8(4) as follows:

**24.8(4)** For multicounty applications, signed Iowa Code chapter 28E agreements between each participating county and the applicant upon request from the department.

ITEM 4. Rescind and reserve rule **641—24.12(135).**